

# EXHIBIT

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IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

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JOSHUA A. YOUNG,  
Plaintiff,

v. Civil Action No. 2:19-cv-00829  
Hon. Joseph R. Goodwin

CORPORAL ARTHUR MUNCY and  
CAPTAIN RONNIE THOMPSON,  
Defendants.

DEPOSITION OF JOSHUA A. YOUNG,  
a Plaintiff herein, called for examination by the  
Defendant Corporal Arthur Muncy, taken pursuant to the  
Federal Rules of Civil Procedure by and before  
Rachel Kocher, a Court Reporter and Notary Public in and  
for the State of West Virginia, at Bailey & Wyant, PLLC,  
500 Virginia Street, East, Suite 600, Charleston,  
West Virginia, on Friday, 18 September 2020, at  
10:00 A.M.

Job No. CS4254365

1 APPEARANCES:

2  
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P R O C E E D I N G S

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MR. FULLER: This is John Fuller appearing on behalf of Corporal Arthur Muncy, who I believe is now Sergeant Arthur Muncy.

MR. MURRAY: Bill Murray on behalf of was Captain Ronnie Thompson, now Major Ronnie Thompson.

MS. MILNES: And this is Lydia Milnes, who has historically appeared in this case as counsel for the Plaintiff, Joshua Young. There is a pending motion regarding my status as representing Mr. Young; and because that issue is up in the air at this point and not resolved by the Court, I am objecting to holding this deposition today, given that I am currently unsure of Mr. Young's intention with pursuing this case. And in the event that I should remain his counsel, then I would be seeking to have a new deposition scheduled.

MR. FULLER: All right. I would like to mark Document 65 in this matter, which is the notice of deposition noticing the same for my office at 500 Virginia Street, East, Suite 600, Charleston, West Virginia, for today, September 18th, 2020, at 10:00 A.M.

It is now past 10:00 A.M., and

1 Mr. Young has not appeared at my office. So I would  
2 suggest we take a recess, wait until 10:15 to see if he  
3 shows up, and at that point maybe go back on the  
4 record.

5 Any objection to that?

6 MS. MILNES: None from me.

7 MR. MURRAY: None from me.

8 MR. FULLER: All right. We can take a  
9 break.

10 (Break.)

11 MR. FULLER: This is John Fuller. We're  
12 back on the record. It's now 10:16. And I've checked  
13 the lobby, I've checked with the front desk, and  
14 Mr. Young has not appeared.

15 It is my understanding that when the  
16 deposition was noticed that Plaintiff's then counsel,  
17 now in the process of withdrawing counsel, was going to  
18 send the deposition notice to his last-known address.

19 So at this point we're going to  
20 conclude the deposition and proceed from there.

21 You got anything else, Lydia?

22 MS. MILNES: Nope. Nothing to add.

23 MR. FULLER: Bill?

24 MR. MURRAY: No.

25 MR. FULLER: All right. That's it.

1 Thank you.

2 (The deposition was concluded at  
3 10:18 A.M.)

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C E R T I F I C A T E

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STATE OF WEST VIRGINIA

I, Rachel Kocher, a Court Reporter and Notary Public in and for the State of West Virginia, do hereby certify that the foregoing deposition was taken at the time and place stated herein and that the said deposition was recorded stenographically by me and was reduced to typewriting under my direction and constitutes a true record of the testimony given, all to the best of my skill and ability.

I further certify that I am not a relative or employee of either counsel and that I am in no way interested, directly or indirectly, in this action.

I also certify that the attached transcript meets the requirements set forth within Article 27, Chapter 47 of the West Virginia Code, to the best of my ability.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my seal of office this 18th day of September 2020.



Rachel Kocher  
Court Reporter

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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